CHRYSLER LLC

Fax

To: Examiner Lun Yi Lao **From:** Gordon K. Harris, Jr., Reg. No. 28,615

Fax: (571) 273-8300 **Pages:** 13 + Fee sheet (2) + cover

Phone: (571) 272-7671 **Date:** November 7, 2007

Group Art Unit: 2629

Re: Application No. 10/767,583

See the attached Appeal Brief and Fee Transmittal (in duplicate)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on November 7, 2007.

Susan J. Sidwell Susan J. Sidwell

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 510

Complete if Known	
Application Number	10/767,583
Filing Date	January 29, 2004
First Named Inventor	Reed, et al.
Examiner Name	Lun Yi Lao
Art Unit	2629
Attorney Docket No.	706767US1

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METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 03-1800

Deposit Account Name: DaimlerChrysler Intellectual Capital Company LLC

The Director is authorized to: *(check all that apply)*
☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) under 37 CFR 1.16 and 1.17
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) $0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

				Extra Claims		Fee from below		Fee Paid
Total Claims		- 20	=	0	X		=	0
Independent Claims		- 3	=	0	X		=	0
Multiple Dependent							=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) $0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	510
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1500	2453	750	Petition to revive – unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
				Other fee (specify)	

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($)510

4. SEARCH/EXAMINATION FEES

1111	500	2111	250	Utility Search Fee
1112	100	2112	50	Design Search Fee
1113	300	2113	150	Plant Search Fee
1114	500	2114	250	Reissue Search Fee
1311	200	2311	100	Utility Examination Fee
1312	130	2312	65	Design Examination Fee
1313	160	2313	80	Plant Examination Fee
1314	600	2314	300	Reissue Examination Fee

SUBTOTAL (4) $0

**or number previously paid, if greater; For Reissues, see above

TOTAL FEES ENCLOSED: $510

SUBMITTED BY *Complete (if applicable)*

Name (Print/Type)	Gordon K. Harris	Registration No. (Attorney/Agent)	28,615	Telephone	(248) 944-6526
Signature				Date	November 7, 2007

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/767,583
Filing Date:	January 29, 2004
Applicant:	Fred Reed
Group Art Unit:	2629
Examiner:	Lao, Lun Yi
Title:	SINGLE KNOB MULTIFUNCTION CONTROLLER AND DISPLAY UNIT
Attorney Docket:	706767US1

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 1-13 under 35 U.S.C.§103(a) in the Office Action mailed July 13, 2007.

I. REAL PARTY IN INTEREST

The Real Party in Interest is Chrysler LLC, a limited liability company organized and existing under the laws of the State of Delaware and having a place of business in Auburn Hills, Michigan.

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II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-13 stand rejected and are the subject of this Appeal.

IV. STATUS OF AMENDMENTS

An Amendment After Final was refused entry via an Advisory Action of August 14, 2007. Consequently, there have been no amendments to the claims subsequent to the final rejection of July 13, 2007.

V. SUMARY OF THE CLAIMED SUBJECT MATTER

Applicants claim in independent claim 1 a human-machine interface device (1 – Fig. 1) for controlling a plurality of vehicle functions (Page 3, Lines 60-63), the interface (1 – Fig. 1) comprising a knob (12 – Fig. 2) which is bidirectionally rotatable (38 of Fig. 2 with Page 3, Lines 54, 55) at a rest level and a pressed level (20 of Fig. 1 with Page 3, Lines 64, 65), a selected one of said vehicle functions being selected by said knob (12 – Fig. 2) at said rest level (Page 3, Lines 68-69), said selected one of said vehicle functions being controlled by said knob (12 – Fig. 2) at said pressed level (Page 4, Lines 72-76), and a plurality of annunciators (26a-e – Fig. 2), wherein one of said annunciators (26a-e – Fig. 2) indicates said selected one of said vehicle functions when said knob (12 – Fig. 2) is rotated (38 – Fig. 2) at said rest level (Page 4, Lines 81-82).

Applicants claim in independent claim 7 a human-machine interface device (1 – Fig. 1) for controlling a plurality of vehicle functions (Page 3, Lines 60-63), the interface (1 – Fig. 1) comprising a knob (12 – Fig. 2) which is bidirectionally rotatable (38 of Fig. 2 with Page 3, Lines 54, 55) at a first level and a second level (20 of Fig. 1 with Page 3, Lines 64, 65), a selected one of said vehicle functions being selected by said knob (12 – Fig. 2) at said first level (Page 3, Lines 68-69), and said selected one of said vehicle functions being controlled by said knob (12 – Fig. 2) at said second level (Page 4, Lines 72-76), and_a plurality of annunciators (26a-e – Fig. 2), wherein one of said annunciators (26a-e – Fig. 2) indicates said selected one of said vehicle functions when said knob (12 – Fig. 2) is rotated (38 – Fig. 2) at said first level (Page 4, Lines 81-82).

Applicants claim the following in independent claim 13. In a vehicle having a plurality of functions for controlling by a user (Page 3, Lines 60-63), a method for selecting and controlling the functions, the method comprising selecting one of said functions by rotating a knob (12 – Fig. 2 with Page 3, Lines 54, 55, and Lines 66-67) at a first level about an axis of rotation (Page 2, Line 45), translating said knob (12 – Fig. 2) along said axis of rotation to a second level (20 of Fig. 1 with Page 2, Lines 45, 46; Page 3, Line 47), controlling said one of said functions by rotating said knob (12 – Fig. 2) at said second level (Page 4, Lines 72-76), and indicating said one of said functions using an annunciator (26a-e – Fig. 2) when said one of said vehicle functions is selected by rotating said knob (12 – Fig. 2) at said first level (Page 4, Lines 81-82).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds for rejection to be reviewed are:

1) Unpatentability of claims 1-3, 5, 7-9, and 13 under 35 U.S.C. §103(a) over Hengst, U.S. Pat. No. 6,005,299 in view of Ishiguro, U.S. Pat. No. 6,176,589.

2) Unpatentability of claims 4 and 8 under 35 U.S.C. §103(a) over Hengst, U.S. Pat. No. 6,005,299 in view of Ishiguro, U.S. Pat. No. 6,176,589 and Bollgohn et al, U.S. Pat. No. 6,769,320.

3) Unpatentability of claims 6 and 12 under U.S.C. §103(a) over Hengst, U.S. Pat. No. 6,005,299 in view of Ishiguro, U.S. Pat. No. 6,176,589 and Goldenberg et al, U.S. Pat. No. 6,636,197.

VII. ARGUMENT

Rejection Under 35 U.S.C.§103

Claims 1-3, 5, 7-9, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hengst (U.S. Pat. No. 6,005,299) in view of Ishiguro (U.S. Pat. No. 6,176,589). This rejection is respectfully traversed.

With respect to Claims 1 and 7, neither Hengst nor Ishiguro teaches a combination of a knob 12 (Fig. 2) that is bidirectionally rotatable at a rest level and a pressed level and annunciators 26a-e (Fig. 2) that indicate selected vehicle functions when the knob 12 is rotated (38 – Fig. 2) at the rest level (Page 4, Lines 81-82). Specifically, although Hengst teaches a bidirectional rotary switch 1 (Fig. 2) operable in a pushed position 5 and a pulled position 7, Hengst does not teach annunciators. Additionally, although Ishiguro teaches a rotary knob dial 18 and annunciators 15a-15e, Ishiguro does not teach that the knob dial 18 is operable at rest and pressed levels.

Moreover, neither Hengst nor Ishiguro includes a suggestion or motivation to combine the bidirectional rotary switch 1 that is operable in pushed and pulled positions and the annunciators 15a-15e. Therefore, Applicants believe that Claims 1 and 7 are patentable.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 2 and 3 depend directly or indirectly from the independent Claim 1, and Claims 8 and 9 depend directly or indirectly from the independent Claim 7, and are therefore believed to be patentable for at least the reasons set forth above with respect to Claims 1 and 7.

With respect to Claims 5 and 11, neither Hengst nor Ishiguro teaches or suggests a knob 12 (Fig. 2) comprising a switch 24 (Fig. 2) for controlling on/off functions, where the switch 24 is mounted on the knob 12. Specifically, Hengst makes no mention at all of any on/off functions or any switches for controlling on/off functions. Moreover, although Ishiguro teaches on/off switches 35, Ishiguro's on/off switches 35 are significantly different than Applicants' on/off switch 24. Specifically, Ishiguro's on/off switches 35 are provided in a rectangular opening 32c in a bezel 32 (Fig. 5 with column 5, lines 61-67; column 6, lines 1-7). Thus, unlike the Applicants' on/off switch 24, which is provided on the knob 12, Ishiguro's on/off switches 35 are provided separate and apart from the knob dial 18 and are not mounted on the dial knob 18. Therefore, Applicants believe that Claims 5 and 11 are patentable.

With respect to Claim 13, neither Hengst nor Ishiguro teaches selecting a function by rotating a knob 12 (Fig. 2) at a first level, controlling the function by rotating the knob 12 at a second level, and indicating the function using an annunciator when the function is selected by rotating the knob 12 at the first level. Specifically, although

Hengst teaches selecting and controlling a function by operating a bidirectional rotary switch 1 (Fig. 2) in a pushed position 5 and a pulled position 7, Hengst does not teach indicating the function using annunciators. Additionally, although Ishiguro teaches selecting a function using a rotary knob dial 18 and indicating the function using annunciators 15a-15e, Ishiguro does not teach that selecting and controlling the function by operating the knob dial 18 at rest and pressed levels, respectively. Moreover, neither Hengst nor Ishiguro includes a suggestion or motivation to combine the steps of selecting a function by rotating the rotary switch 1 at a first level, controlling the function by rotating the rotary switch 1 at a second level, and indicating the function using an annunciator when the function is selected by rotating the rotary switch 1 at the first level. Therefore, Applicants believe that Claim 13 is patentable.

Claims 4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hengst (U.S. Pat. No. 6,005,299) in view of Ishiguro (U.S. Pat. No. 6,176,589) and Bollgohn et al (U.S. Pat. No. 6,769,320). This rejection is respectfully traversed.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 4 and 8 depend directly or indirectly from the independent Claims 1 and 7, respectively, and are therefore believed to be patentable for at least the reasons set forth above with respect to Claims 1 and 7.

Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hengst (U.S. Pat. No. 6,005,299) in view of Ishiguro (U.S. Pat. No. 6,176,589) and Goldenberg et al (U.S. Pat. No. 6,636,197). This rejection is respectfully traversed.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 6 and 12 depend directly or indirectly from the independent Claims 1 and 7,

respectively, and are therefore believed to be patentable for at least the reasons set forth above with respect to Claims 1 and 7.

CONCLUSION

The Examiner's rejections of the claims under 35 U.S.C. § 103(a) are improper. The claims are supported by the specification, and the art of record, taken singly or in any combination, fails to disclose or suggest all of the elements of Applicants' claims. Accordingly, it is respectfully submitted that the Examiner has failed to state *prima facie* case of obviousness, and the Examiner's rejections of claims 1-13 should be reversed.

Respectfully submitted,

Dated: November 6, 2007

By: _____
Gordon K. Harris, Jr.
Reg. No. 28615

Ralph E. Smith
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Chrysler LLC
800 Chrysler Drive
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Phone: 248-944-6519

CLAIMS APPENDIX

CLAIMS ON APPEAL

1. A human-machine interface device for controlling a plurality of vehicle functions, the interface comprising:

a knob which is bidirectionally rotatable at a rest level and a pressed level;

a selected one of said vehicle functions being selected by said knob at said rest level;

said selected one of said vehicle functions being controlled by said knob at said pressed level; and

a plurality of annunciators, wherein one of said annunciators indicates said selected one of said vehicle functions when said knob is rotated at said rest level.

2. The human-machine interface of claim 1 wherein each of said vehicle functions is associated with a detent position of said knob at said rest level.

3. The human-machine interface of claim 1 wherein at least one of said annunciators indicates said selected one of said vehicle functions when said selected one of said vehicle functions is controlled by rotating said knob at said pressed level.

4. The human-machine interface of claim 1 further comprising a display screen indicating said selected one of said vehicle functions is controlled by said knob at said pressed level.

5. The human-machine interface of claim 1 wherein at least one of said vehicle functions is an on/off function, and wherein said knob further comprises a switch for controlling said on/off function and said switch includes an indicator reflective of the state of said on/off function.

6. The human-machine interface of claim 1 wherein said selected functions comprise a fan speed and a temperature.

7. A human-machine interface device for controlling a plurality of vehicle functions, the interface comprising:

a knob which is bidirectionally rotatable at a first level and a second level;

a selected one of said vehicle functions being selected by said knob at said first level;

said selected one of said vehicle functions being controlled by said knob at said second level; and

a plurality of annunciators, wherein one of said annunciators indicates said selected one of said vehicle functions when said knob is rotated at said first level.

8. The human-machine interface of claim 7 wherein each of said vehicle functions is associated with a detent position of said knob at said first level.

9. The human-machine interface of claim 7 wherein at least one of said annunciators indicates said selected one of said vehicle functions when said selected one of said vehicle functions is controlled by said knob at said pressed level.

10. The human-machine interface of claim 7 further comprising a display screen indicating said selected one of said vehicle functions is controlled by said knob at said second level.

11. The human-machine interface of claim 7 wherein at least one of said vehicle functions is an on/off function, and wherein said knob further comprises a switch for controlling said on/off function and said switch includes an indicator reflective of the state of said on/off function.

12. The human-machine interface of claim 7 wherein said selected functions comprise a fan speed and a temperature.

13. In a vehicle having a plurality of functions for controlling by a user, a method for selecting and controlling the functions, the method comprising:

selecting one of said functions by rotating a knob at a first level about an axis of rotation;

translating said knob along said axis of rotation to a second level;

controlling said one of said functions by rotating said knob at said second level; and

indicating said one of said vehicle functions using an annunciator when said one of said vehicle functions is selected by rotating said knob at said first level.

RELATED PROCEEDINGS APPENDIX

None.

EVIDENCE APPENDIX

None.